

SICK LEAVE AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: _____

LONG TITLE**General Description:**

This bill enacts provisions related to certain employment benefits.

Highlighted Provisions:

This bill:

- defines terms;
- requires certain employers to allow an employee to use accrued sick leave to care for an immediate family member under certain conditions;
- prohibits an employer from taking adverse action against an employee for using sick leave in accordance with this bill;
- allows an employee to file a written complaint with the Division of Antidiscrimination and Labor for an alleged violation of this bill;
- grants the division enforcement and rulemaking authority to implement the provisions of this bill; and
- provides that this bill does not extend the maximum period of leave available to an employee under specified federal law.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

[34-28a-101](#), Utah Code Annotated 1953

[34-28a-102](#), Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section [34-28a-101](#) is enacted to read:

CHAPTER 28a. MISCELLANEOUS EMPLOYMENT BENEFITS

34-28a-101. Title.

This chapter is known as "Miscellaneous Employment Benefits."

Section 2. Section [34-28a-102](#) is enacted to read:

34-28a-102. Use of sick leave for care of immediate family members.

(1) As used in this section:

(a) "Adverse action" means the same as that term is defined in Section [34-48-102](#).

(b) "Division" means the Division of Antidiscrimination and Labor created in Subsection [34A-1-202\(1\)\(d\)](#).

(c) "Eligible employer" means an employer, as defined in Section [34A-2-103](#), that offers sick leave to the employer's employees under a written sick leave policy.

(d) "Employee" means the same as that term is defined in Section [34A-2-104](#).

(e) "Immediate family member" means an employee's spouse, domestic partner, child, foster child, step-child, grandchild, parent, step-parent, mother-in-law, father-in-law, sibling, grandparent, or any individual for whom the employee is a legal guardian.

(f) (i) "Sick leave" means an employee benefit, provided under a written sick leave policy, that entitles the employee to time away from work due to the employee's illness, injury, or medical need, whether paid or unpaid.

(ii) "Sick leave" does not include long-term disability benefits, short-term disability benefits, workers' compensation benefits, insurance benefits, or other comparable benefits.

(2) (a) An eligible employer shall allow an employee to use accrued sick leave to care for an immediate family member due to the illness, injury, or medical need of the immediate family member.

(b) Sick leave taken by an employee under Subsection (2)(a) shall:

(i) be earned under the terms and conditions of the eligible employer's written sick

59 leave policy; and

60 (ii) be taken in accordance with the terms and conditions of the eligible employer's
61 written sick leave policy.

62 (3) An eligible employer may not take adverse action against an employee for using
63 sick leave in accordance with this section.

64 (4) (a) An employee claiming to be aggrieved by an action of an eligible employer
65 in violation of Subsection (3) may file a written complaint with the division.

66 (b) The division shall investigate and enforce violations of Subsection (3) in
67 accordance with Section [34-46-301](#).

68 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
69 Administrative Rulemaking Act, necessary to implement and administer the provisions of this
70 section.

71 (6) This section does not extend the maximum period of leave to which an employee is
72 entitled under the Family and Medical Leave Act of 1993, 29 U.S.C. Sec. 2601 et seq.,
73 regardless of whether the employee receives sick leave compensation during that leave.